



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,222	06/15/2001	Zhixin Li	1897A.ALC	9268

7590 07/14/2003
Thomas F. Roland
NATIONAL STARCH AND CHEMICAL COMPANY
10 Finderne Avenue
Bridgewater, NJ 08807-0500

EXAMINER

FALASCO, LOUIS V

ART UNIT	PAPER NUMBER
----------	--------------

1773

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/882,222	LI ET AL.	
Examiner	Art Unit	
Louis Falasco	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

I. Papers received

Applicants' amendment is acknowledged - paper #8

II. Claims

The claims are 1 to 10 and 12 to 24.

Claims 15 to 24 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

III. Restriction Requirement

Applicant's election of the invention in Group I claims 1 to 10 and 12 to 14 in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The restriction requirement is made Final.

IV. DETAILED OFFICE ACTION ON ELECTED INVENTION

THE CLAIMS UNDER CONSIDERATION ARE: 1 TO 10 AND 12 TO 14

The following new objection is made in response to applicants' amendments:

Objection

37 CFR 1.75(c), Improper Dependent Claim

Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

- Claim 2, drawn to an emulsion polymer, does not further limit claim 1 also drawn to an emulsion polymer.

Applicant is required to cancel the claim 2, or amend to place the claim in proper dependent form.

Rejections under 35 USC 103

Statutory basis

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Rejections

1. Claims 1, 2, 5, 6, 7, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with **Lee** (US 5691069) and **Valint, Jr.** (US 5135297).

Admittedly it has been known to include a release composition as ingredient in a product intended to be produced in mold (*cf.* specification page 2 lns 24-26) and known to include surfactants and dispersants (*cf.* specification page 3 lns 5-25).

The admissions do not disclose an emulsion, a Tg of at least -10 degree C, polymer formed from a *hydrophobic* monomer and a *hydrophilic* monomer. However **Lee** teaches a layer of water borne release polymer formed from a *hydrophobic* monomer and a *hydrophilic* monomer, the polymer being capable of forming an emulsion.

In **Lee** the polymer is formed from monomers selected from those monomers applicants characterize as *hydrophobic* and a *hydrophilic* monomers. **Lee** teaches a water borne emulsion polymer - forming an aqueous suspension (instant claims 1 and 2) with monomers including an acrylic acid monomer (instant claim 4) and a styrene monomer (instant claim 3) - see **Lee** monomer groupings of col. 2 lns 33-37, col. 2 ln 61 to col.3 ln 11 and col.4 lns 43-46 and col. 5 lns 7-14.

Lee also teaches a degree of polymerization optimized to manufacturing conditions - providing for polymer having a glass transition temperature above the - 10 C minimum of the claims, see **Lee** col. 5 lines 4-5 and adjustments to manufacturing circumstances, col. 7 lns 3-43.

Art Unit: 1773

Though Lee does not recite the polymer as formed of monomers called both *hydrophobic* and *hydrophilic* such *hydrophobic* and *hydrophilic* monomers are clearly listed in Lee, as pointed out previously.

The selection of both a *hydrophobic* and *hydrophilic* monomer in a polymeric molding compound is expressly taught in **Valint, Jr.** **Valint, Jr.** shows this mold release layer polymer formed of styrene and acrylic acid monomers, specifying these as *hydrophobic* and *hydrophilic* monomers¹.

In **Valint, Jr.** the polymer is formed of both *hydrophobic* and *hydrophilic* monomers selected from the *hydrophobic* and *hydrophilic* monomers appearing at col. 4 – carboxylic acid grouping is specified for the functional monomer grouping of the *hydrophilic* monomer portion of the polymer, col. 1 ln 11 – 54 and col. 3 lns 12 – 20. The instant claim 1 preamble calls for only an intention for producing a product and is not given weight by the examiner since *it has no significance in the claim itself*, even if it was given weight releasing a molded article from a molding surface is taught in **Valint, Jr.** – see col. 2 ln 37 – 39, showing the polymer is capable of performing the intended use in producing a product.

As noted in the previous Office action, **Valint, Jr.** teaches the inclusion of surfactants, see col. 2 ln 45, and cross-linking agents for polymerization with the monomers *supra* and see col. 5 ln 34 through col. 6 ln 15. Additionally, **Valint, Jr.**

¹ The polymer is composed of styrene and acrylic acid monomers - *hydrophobic* and *hydrophilic* monomers and adjuvants i.e., surfactants and starches modifying rheology are taught. It has been held that where claimed and prior art products are identical or substantially identical in structure or in composition, the burden of proof is shifted to applicant to show that the prior art products do not inherently possess the characteristic of a claimed product *In re Best* 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977); *In re Ludke*, 58 CCPA 1159, 441 F.2d at 212-13, 169 USPQ 563 (1971); *In re Brown*, 59 CCPA 1036, 459 F.2d 531, 173 USPQ 685 (1972).

demonstrates the convention adopting additional adjuvants in the molded article layer - noting dispersants at col. 1 lns 20-23 and see col. 12 lns 32, 33 for wetting agents and toughening agents at col. 13 lns 35, 36.

Valint, Jr. teaches including surfactants (col. 1 ln 69), both non-polymerizable (col. 2 ln 44) and polymerizable surfactants (col. 3 ln 53 *et seq.*) and surface-active agents (col. 5 ln 23, col. 6 ln 2 and ln 41) - these correspond to what applicants disclose as "rheology modifiers" - *cf* instant disclosure page 8, first paragraph.

It is the examiners position that it would have been *prima facie* obvious, to one of ordinary skill at the time the invention was made, to adopt the teachings of **Lee** with **Valint Jr.** to the **admissions** of known mold release layer material for the purpose of increasing the ease of stripping from a mold (col. 1 lns 11-12 of **Lee**) and for the purpose of enhancing bio compatibility of the article formed in a molding process (pointed out in col. 1 lns 12-15 of **Valint Jr.** with reference to a glove).

One skilled in this art would have been motivated to adapt the teachings of **Lee** and **Valint Jr.**, in the **admissions** with expectation of successfully obtaining an article (glove) more efficiently manufactured through simplifying the removal of a molded product from a mold and obtaining a higher quality final article by increasing the bio-compatibility of the article.

Art Unit: 1773

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with **Lee** (US 5691069) with the teachings of **Valint, Jr.** (US 5135297) as applied to claims 1, 2, 5, 6, 7, 10 and 13 above, and further in view of **Sharma** (US 6107383).

Lee with **Valint, Jr.** and admissions do not disclose specific dispersants - admittedly these are known dispersants (see specifications page 3 ln 25), however there are no admissions they were known with polymeric compositions of the claims.

Sharma teaches the inclusion of the claimed dispersants in polymeric molding compositions.

Sharma teaches the addition of dispersant (see col. 1 ln 60 - col. 2 ln 11) in aqueous media in polymeric molding layers.

It is the examiners position that it would have been *prima facie* obvious to one of ordinary skill at the time the invention was made to adopt the dispersants of **Sharma** to **Lee** and **Valint Jr.** in the **admissions** - where they are admitted as known dispersants - for the purpose of breaking up adjuvants in the polymeric molding composition (see col. 1 lns 26 - 45).

One skilled in this art would have been motivated to adapt the teachings of **Sharma**, including dispersants, with an expectation of successfully blending additives for the molding composition, obviating undesirable organic solvents in the molding while successfully blending polymeric compositions (col. 2 lns 23- 25).

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with **Lee** (US 5691069) with the teachings of **Valint, Jr.** (US 5135297) as applied to claims 1, 2, 5, 6, 7, 10 and 13 above, and further in view of **Plamthottam** (US 5900452).

Lee and **Valint Jr.** and the **admissions** do not specify the particle size of the instant claims, however **Plamthottam** teaches the particle size of the claims.

In **Plamthottam** see example 9

It is the examiners position that it would have been *prima facie* obvious to one of ordinary skill at the time the invention was made to adopt the teachings of **Plamthottam** in **Lee** and **Valint Jr.** and in the **admissions** for the purpose of enhancing mechanical characteristics of the molded article such as a resistance to cracking, see col. 1 lns 24 - 36. One skilled in this art would have been motivated to adapt the teachings of **Plamthottam** with the anticipation of successfully improving subtleness and a to lessen the crumbliness of the polymeric product.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with **Lee** (US 5691069) with the teachings of **Valint, Jr.** (US 5135297) as applied to claims 1, 2, 5, 6, 7, 10 and 13 above, and further in view of **Esemplare** (US 5069965).

Lee and Valint Jr. and the **admissions** do not specify eliminating silicone compounds, however **Esemplare** teaches these silicone compounds as being merely optional in the formation of releasable polymeric materials intended for moldings.

In **Esemplare** note that silicone compounds maybe just optionally added, see col. 6 ln 48.

It is the examiners position that it would have been *prima facie* obvious to one of ordinary skill at the time the invention was made to adopt the teachings of **Esemplare** in **Lee and Valint Jr.** in the **admissions** for the purpose of controlling characteristics, such as suppleness of the molded polymeric products and for dispersing adjuvants, to increasing the ease of blending in a mixed aqueous media, see col. 6 lns 50 – 60. One skilled in this art would have been motivated to adapt the teachings of **Esemplare** motivated by the anticipation of successfully eliminating characteristics² of the silicone in the polymeric molding layer.

5. Claims 1, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with **Lee** (US 5691069) with the teachings of **Valint, Jr.** (US 5135297) as applied to claims 1, 2, 5, 6, 7, 10 and 13 above, and further in view of **Weberg et al** (US 6429158).

² Omission of an element and its function is obvious if the function of the element is not desired. See *Ex parte Wu*, 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989) - the Board affirmed the rejection, holding that it would have been obvious to omit salts where the function attributed to such salt is not desired or required. See also *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) - deleting a prior art component and thereby eliminating its function was an obvious expedient.

Lee and Valint Jr. do not show, nor do applicants admit, the conventional nature of inclusion of adjuvant materials such as micro spheres and coagulants and naming of adjuvants as "rheology modifiers". However these are shown by **Weberg et al** to conventional additives for polymeric moldings.

Weberg et al points out the conventional nature of having micro spheres, "rheology modifiers" and coagulants, the mineral sphere filler of 5-200 microns at col. 8 lns 5-25 inherently³ these appear to be micro spheres see lns 63-68, and col. 10, lns 39-44. The instant claim 1 preamble calls for only an intention for producing a product and is not given weight here since it has no significance in the claim itself, even if it did releasing a molded article from a molding surface is taught in **Weberg et al** - see col. 3 lns 40-46, showing the polymer is capable of performing the intended use in polymeric moldings.

It is the examiners position that it would have been *prima facie* obvious to one of ordinary skill at the time the invention was made to adopt the teachings of **Weberg et al** in **Lee and Valint Jr.** with the **admissions** for the purpose of controlling shrinkage to aid in extracting the molded article form the mold (col. 2 lns 13-15) and provide a layer useable over a wide range of molding conditions (col. 2 ln 65 - col. 3 ln 13) and geometries (col. 3 lns 40-46) while extending the composition with a light weight easily blended filler and a viscosity modifier.

One skilled in this art would have been motivated to adapt the teachings of **Weberg et al** with an anticipation of successfully controlling the rheology of the polymeric

Art Unit: 1773

composition through an broad range of processing conditions (col. 3 lns 1-14) and to successfully mold polymeric articles.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with **Lee** (US 5691069) with the teachings of **Valint, Jr.** (US 5135297) as applied to claims 1, 2, 5, 6, 7, 10 and 13 above, and further in view of **Earls et al** (US 5458020).

Lee and **Valint Jr.** do not show nor do applicants admit the conventional nature of microspheres as filler. However microspheres are shown by **Earls et al** to be a conventional additive in polymeric molding layers, compatible with release of these article produced from molds.

In **Earls et al** microspheres are shown to be a conventional additive, see col. 17 lns 41-44.

It is the examiners position that it would have been *prima facie* obvious to one of ordinary skill at the time the invention was made to adopt the teachings of **Earls et al** in **Lee** and **Valint Jr.** with the **admissions** for the purpose of adding compatible filler, to a polymeric composition as demonstrated in the examples of **Earls et al**.

One skilled in this art would have been motivated to adapt the teachings of **Earls et al** with an anticipation of successfully extending the polymeric materials.

³ When the **USPTO** shows a sound basis for believing that the products of the applicant and the prior art are the same, the applicant has the burden of showing that they are not, as noted previously. *In re Spada* 911 F 2d 705, 709, and 15 USPQ 2d 1655 Fed. Cir. 1990

V. DOUBLE PATENTING

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 2 and 5 through 10 and 12 to 14 of instant Application No. 09882222 identical to claims of copending Application No. 09790093

1. Claim 1, 2 and 5 through 10 and 12 through 14 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 through 12 of copending Application No. 09790093. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: claims 1 through 12 of copending Application No. 09/790093 are identical to claims 1, 2 and 5 through 10 and 12 through 14 of the instant application.

No argument has been made against this rejection.

~~

Claims 3 and 4 of instant Application No. 09882222 obvious over claims of copending Application No. 09790093

Art Unit: 1773

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper time wise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b)⁴.

2. Claims 3 and 4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 through 10 and 12 of copending Application No. 09882222 in view of **Plamthottam** (US 5900452).

Claims 1 through 12 of copending Application No. 09790093 do not include the particle size of the instant claims 3 and 4, however **Plamthottam** teaches the particle size of the instant claims. In **Plamthottam** see example 9.

It is the examiners position that it would have been *prima facie* obvious to one of ordinary skill at the time the invention was made to adopt the teachings of

Plamthottam in claims 1 through 12 of the copending Application for the purpose of enhancing mechanical characteristic of the resultant molded article such as a resistance to cracking, see col. 1 lns 24 - 36. One skilled in this art would have been motivated to adapt the teachings of **Plamthottam** with the anticipation of successfully improving mechanical flexibility and resistance to cracking in the polymeric molding layer.

Art Unit: 1773

Applicant's arguments filed June 16, 2003 have been fully considered but they are not persuasive.

1. Applicants argue that in the rheology modifier of claim 1 (amended) is not taught.
Applicants disclose the rheology modifier as:

“... not limited to acid soluble copolymers, surfactants, etc.” (instant disclosure
– end of first paragraph page 8).

Lee points out that a mixture of surfactants is used in the polymer composition, col. 7
lns 53-65, and a combination of soap solutions are used in the molding composition of
Lee - as demonstrated in examples 1, 2 and 4.

Applicants have also disclosed **starch** as a rheology modifier *cf* instant disclosure page 8
ln 9. As well Lee points out that starch is used in the polymer composition – see col. 6
ln 55.

2. It is not seen how the claims to the mold or to the article produced formed from a
set of monomers in an emulsion polymer and claims “a cross-linker” to form the
product or mold, would have *resulted* in a product unobviously different then that
shown to be prima facie obvious in the prior art. When the reference teaches a product
appearing to be the same or an obvious variant, though produced by a different
process, a prima facie case of obviousness has been established. *See In re Marosi, 710 F.2d*

⁴ Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

799, 218 USPQ 289 (*Fed. Cir.* 1983) and *In re Thorpe*, 777 F.2d 695, 227 USPQ 964 (*Fed. Cir.* 1985). *See also* MPEP § 2113.

3. No argument has been made against the rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with *Lee* (US 5691069) with the teachings of *Valint, Jr.* (US 5135297) as applied to claims 1, 2, 5, 6, 7, 10 and 13 above, and further in view of *Sharma* (US 6107383).

4. No argument has been made against the rejection of claim 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with *Lee* (US 5691069) with the teachings of *Valint, Jr.* (US 5135297) as applied to claims 1, 2, 5, 6, 7, 10 and 13 above, and further in view of *Plamthottam* (US 5900452).

5. No argument has been made against the rejection of claim 14 under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with *Lee* (US 5691069) with the teachings of *Valint, Jr.* (US 5135297) as applied to claims 1, 2, 5, 6, 7, 10 and 13 above, and further in view of *Eemplare* (US 5069965).

6. No argument has been made against the rejection of claims 1, 8 and 12 under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with

Lee (US 5691069) with the teachings of **Valint, Jr.** (US 5135297) as applied to claims 1, 2, 5, 6, 7, 10 and 13 above, and further in view of **Weberg et al** (US 6429158).

Though no argument has been made against this rejection, specifically, applicants have argued claim 1 (*amended*), includes a rheology modifier. **Weberg et al** teaches the inclusion of materials for varying rheology such as viscosity builders and thickeners (col. 9 lns 29 - 33).

7. No argument has been made against the rejection of claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken with Lee (US 5691069) with the teachings of **Valint, Jr.** (US 5135297) as applied to claims 1, 2, 5, 6, 7, 10 and 13 above, and further in view of **Earls et al** (US 5458020).

8. Applicants have not argued any of the Double Patenting rejections and no Terminal Disclaimer has been received.
All Double Patenting rejections have been maintained.

VI. CONCLUSION

The claims are 1 to 10 and 12 to 24.

- Claims 15 through 24 have been withdrawn from consideration as drawn to a non-elected invention.

Art Unit: 1773

- Claims 1 through 10 and 12 through 14 have been considered.
- No claim has been allowed.

This action is Final

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Art Unit: 1773

VII. Inquires

Any inquiry concerning this communication from the examiner should be directed to examiner Louis Falasco whose telephone number is 703.305-6974. The examiner can normally be reached M-F 9:30 AM - 6:00 PM.

- If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Paul Thibodeau may be reached at 703.308-2367.
- The Fax phone numbers for the organization where this application or proceeding is assigned are: 703.872-9310 for regular communications and 703.872-9311 for After Final communications.
- An inquiry of a general nature or relating to status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308-0651.


LF
07/03


STEVAN A. RESAN
PRIMARY EXAMINER